

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-19 and 22-30 are pending in this application. By this Amendment, claims 1 and 29 are amended and no claims have been cancelled. No new matter is added. Claims 1 and 29 are the independent claims. Claims 20-21 were previously cancelled via a Preliminary Amendment. Example support for the amendments herein may be found at Para. [0010-0014, 0073-0074] and Fig. 1 of Applicants' application.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

Applicants note with appreciation the Examiner's indication that the references cited in the Information Disclosure Statement filed on August 16, 2006 has been considered.

Rejections under 35 U.S.C. § 101

Claims 1-30 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In particular, claims 1-30 are rejected under 35 U.S.C. § 101 for failing to 1) be tied to a particular machine or 2) transform underlying subject matter to a different state or thing. As Applicants have amended independent claims 1 and 29 to have the "database" be included in a "memory," amended claims 1 and 29 are at least tied to a particular machine under 35 U.S.C. § 101. Dependent claims 2-19, 22-28 and 30 are at least statutory under 35 U.S.C. § 101 by virtue of their dependency on one of amended independent claims 1 and 29. Claims 20-21 were previously cancelled via a Preliminary Amendment. Therefore, withdrawal of this rejection is requested.

Rejections under 35 U.S.C. § 102

Claims 1-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. US 2004/0122719 ("Sabol"). Applicants respectfully traverse this rejection for the reasons detailed below.

Amended claim 1 recites *inter alia* "correlating quality data with the knowledge data stored in the database" where "the quality data indicates a content quality of the knowledge data stored in the database." Initially, Applicants note that Sabol relates to forecasting future resource needs use of medical modalities or other medical services based on existing data in an "integrated knowledge base 12," as disclosed in the Abstract of Sabol. As shown in Figs. 1 and 7 of Sabol, clinical and non-clinical data are stored in and accessed from an "integrated knowledge base 12" by physicians to fulfill their tasks, such as diagnosis and treatment of patients. As disclosed at Para. [0001-0004, 0048-0049, 0066] of Sabol, this data in the integrated knowledge base 12 includes prescribable data sources such as "blood tests" or "urine tests," electrical data acquisition such as "ECG," and medical imaging techniques.

The Examiner cites Para. [0061] of Sabol, which further describes different types of data that may be included in the integrated knowledge base 12, and which is limited to patient record data. The Examiner also cites Para. [0079] of Sabol, which describes a method for how data from different sources, such as elements 98, 100, 102 in Fig. 7 of Sabol are processed on computing resources 20 via software 22 and made available by storage in the integrated knowledge base 12.

Hence, Sabol merely relates to storing medical data from various sources in to an integrated knowledge base, which is then used to predict future medical needs, such as an amount of medical machines or medication. Therefore, even assuming

arguendo that the Examiner relies on the entirety of the existing data stored in the integrated knowledge base 12 of Sabol to disclose the above limitation of claim 1 (which Applicants do not admit), such data could only be interpreted, at best, to disclose the “knowledge data” of amended claim 1. This is because, Sabol still fails to disclose any type of secondary data being stored in the integrated knowledge base 12 that is generated from the use or application of the existing data of the integrated knowledge base 12, and which indicates a reliability or accuracy of the existing data of the integrated knowledge base 12. As such, Sabol fails to disclose “correlating quality data with the knowledge data stored in the database” where “the quality data indicates a content quality of the knowledge data stored in the database,” as recited in amended claim 1.

Further, Sabol also fails to disclose that the “quality data” is stored “during and after access to the knowledge data”, correlating quality data to “an application of the knowledge data,” and “the quality data automatically being provided to the user, upon the user accessing the knowledge data,” as recited in claim 1.

For at least the foregoing reasons, amended claim 1 is patentable over Sabol. Amended independent claim 29 is at least somewhat similar to amended claim 1 and therefore patentable for at least somewhat similar reasons. Dependent claims 2-19, 22-28 and 30 are at least patentable by virtue of their dependency on one of amended independent claims 1 and 29. Claims 20-21 were previously cancelled via a Preliminary Amendment. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 102(e) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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